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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 4:19-cv-00872-HSG

No. 4:19-cv-00892-HSG

**STIPULATED REQUEST FOR
SUPPLEMENTAL BRIEFING
SCHEDULE FOR EL CENTRO
AND TUCSON BORDER
BARRIER PROJECTS**

SIERRA CLUB, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Pursuant to Local Rule 6-2 and 7-12, Plaintiffs and Defendants in the above-captioned cases stipulate and agree as follows:

1. On May 9, 2019, the Acting Secretary of Defense authorized the funding of four border barrier projects requested by the Department of Homeland Security using 10 U.S.C. § 284. One project is located in California (El Centro Project 1), and three projects are located in Arizona (Tucson Sector Projects 1, 2, and 3). At the time of this decision, the Parties had fully briefed Plaintiffs' pending motions for preliminary injunction, thus the Parties did not have an opportunity to submit argument and evidence concerning these four specific projects. Plaintiffs' position is that construction and funding for these four projects should be enjoined. Defendants oppose Plaintiffs' requested injunction.

2. At the preliminary injunction hearing conducted on May 17, 2019, Defendants' counsel stated that no construction would occur for at least 45 days, allowing time for the Parties to provide supplemental briefing and for the Court to issue an order regarding these new projects before construction begins. The Court ordered the Parties to present a stipulation setting forth a schedule for this briefing.

3. In accordance with the Court's Order, the Parties have conferred and agreed on the following schedule to submit streamlined supplemental briefs regarding a new motion to enjoin the El Centro and Tucson projects, if necessary after the Court reaches a decision on the Plaintiffs' pending motions for preliminary injunction.

4. If further motion practice is necessary regarding the El Centro and Tucson projects, the Parties propose the following briefing schedule:

- May 29: Plaintiffs' motions, supplemental briefs, and supporting evidence;
- June 10: Defendants' supplemental briefs and supporting evidence.
- June 13: Plaintiffs' reply briefs, if any.

5. Approving this stipulation would not impact any other deadlines in this case.

6. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendants has submitted a declaration in support of this stipulation.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the

Parties, subject to the Court's approval, that:

(1) Plaintiffs may file on or before May 29, 2019, their motions, supplemental briefs and supporting evidence in support of their request to enjoin the El Centro and Tucson projects. Defendants may file on or before June 10, 2019, their supplemental briefs and supporting evidence in opposition. Plaintiffs may file their reply briefs on or before June 13, 2019.

A proposed order is attached.

DATE: May 22, 2019

Respectfully submitted,

JAMES M. BURNHAM
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/s/ Andrew I. Warden
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DECLARATION

I declare, under penalty of perjury, that the factual assertions contained in this stipulation are true and correct to the best of my knowledge.

/s/ Andrew I. Warden

ANDREW I. WARDEN (IN Bar No. 23840-49)